

116.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
For Approval of Rate Increases and)
Revised Rate Schedules.)

DOCKET NO. 05-0315

ORDER NO. 23315

Filed March 23, 2007

At 11 o'clock A.M.

Karen Higzel.
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
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ORDER

By this Order, the commission adopts, with modification, the revised Schedule of Proceedings ("Revised Schedule of Proceedings") submitted by HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") on March 21, 2007.¹

I.

Background

On May 5, 2006, HELCO filed an application for approval of a general rate increase and revised rate schedules and rules ("Application").²

¹The DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate") (collectively with HELCO, the "Parties"), is an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules § 6-61-62(a).

²Pursuant to Order No. 22663, filed on August 1, 2006 in this docket, the commission granted participation status without intervention, to Keahole Defense Coalition, Inc. ("KDC"). The commission limited KDC's participation to issues related to the expansion of the HELCO Keahole Generating Station. KDC's participation was further limited to responding to any discovery

Pursuant to Order No. 22903, filed on September 28, 2006, the commission adopted, with modification, the Stipulated Prehearing Order submitted by HELCO, the Consumer Advocate, KDC and RMI ("Order No. 22903") to govern the order of proceedings in this docket.

By Order No. 23153, filed on December 21, 2006, the commission approved an amendment to the schedule of proceedings set forth in Order No. 22903 ("Schedule of Proceedings") to give the Parties additional time to review outstanding discovery responses and to conduct additional discovery in light of the voluminous amount of discovery in the instant proceeding.

By letter dated and filed with the commission on March 19, 2007 ("March 19, 2007 Letter"), HELCO informed the commission that it was in ongoing settlement negotiations with the Consumer Advocate and as such, requests commission approval (1) for an extension of time for the submission of HELCO's Rebuttal Testimonies, Exhibits and Workpapers, and its Statement of Probable Entitlement, due March 19, 2007, pursuant to Order No. 23153, to March 21, 2007, and (2) of additional revisions to the Schedule of Proceedings.

By letter dated and filed with the commission on March 21, 2007 ("March 21, 2007 Letter"), HELCO further requested

requests, filing a statement of position, and responding to questions at any evidentiary hearing. See Order No. 22663 at 7.

Rocky Mountain Institute ("RMI") was also granted participation status without intervention by the commission in Order No. 22663. By Order No. 23108, filed on December 5, 2006, the commission approved RMI's withdrawal as a participant in the instant proceeding.

commission approval (1) for an extension of time on the due date for its Rebuttal Testimonies, Exhibits and Workpapers, and its Statement of Probable Entitlement, from March 21, 2007 to March 27, 2007, and (2) of additional revisions to the Schedule of Proceedings.³ Accordingly, HELCO proposes, and represents that the Consumer Advocate does not object to, the following revisions to the Schedule of Proceedings (proposed revisions to the current procedural schedule are underlined):

HELCO Application, Direct Testimonies, Exhibits and Workpapers	May 5, 2006
Public Hearings	June 26-27, 2006
Consumer Advocate Information Requests ("IRs") To HELCO	July 25, 2006 August 25, 2006 September 8, 2006 September 25, 2006 October 18, 2006 November 1, 2006 November 20, 2006
HELCO Responses to Consumer Advocate IRs	August 15, 2006 September 15, 2006 September 29, 2006 October 16, 2006 November 8, 2006 December 1, 2006 December 11, 2006
HELCO Remaining Responses to CA-IRs Through Round 6	Continuous to December 1, 2006
Consumer Advocate Supplemental IRs ("SIRs") To HELCO	Continuous to December 22, 2006
HELCO Responses to Consumer Advocate SIRs	Continuous to January 15, 2007
HELCO Filing of Act 162 Direct Testimonies and Consultant Report	December 29, 2006

³The revisions to the Schedule of Proceedings proposed in the March 21, 2007 Letter supersede the revisions requested in HELCO's March 19, 2007 Letter.

Consumer Advocate IRs on HELCO Act 162 Direct Testimonies and Consultant Report	January 10, 2007
HELCO Responses to Consumer Advocate Act 162 Information Requests	January 24, 2007
Consumer Advocate SIRs on HELCO Act 162 Direct Testimonies and Consultant Report	January 31, 2007
HELCO Responses to Consumer Advocate Act 162 SIRs	February 9, 2007
Consumer Advocate Testimonies, Exhibits and Workpapers KDC Statement of Position	February 21, 2007
HELCO IRs to Consumer Advocate And KDC; Consumer Advocate IRs to KDC	February 22-28, 2007
Consumer Advocate and KDC Responses to HELCO IRs KDC Responses to Consumer Advocate's IRs.	March 1-7, 2007
Settlement Proposal Submitted to Consumer Advocate	March 2, 2007
First Settlement Discussion between HELCO and Consumer Advocate	March 7-8, 2007
HELCO Rebuttal Testimonies, Exhibits And Workpapers HELCO Statement of Probable Entitlement	<u>March 27, 2007</u>
Consumer Advocate Response to HELCO Statement of Probable Entitlement	<u>March 28, 2007</u>
Consumer Advocate Rebuttal IRs ("RIRs") to HELCO	March 30 to <u>April 9, 2007</u>
HELCO's Responses to Consumer Advocate's RIRs	<u>April 17-27, 2007</u>
Second Settlement Discussion Between HELCO and the Consumer Advocate	April 17-19, 2007
Settlement Letter to the Public Utilities Commission	April 23, 2007
Prehearing Conference	May 4, 2007

Evidentiary Hearing

Week of May 7, 2007

Simultaneous Opening Briefs by
Parties

4 weeks after
Transcripts

Simultaneous Reply Briefs by Parties

3 weeks after
Opening Briefs

II.

Discussion

The commission finds the Parties' proposed Revised Schedule of Proceedings to be reasonable in light of the Parties' ongoing settlement negotiations and discussions. The commission finds, however, that granting HELCO's request with regard to the March 27, 2007 due date for its Statement of Probable Entitlement will leave the commission and commission staff with little time for review prior to the issuance of an interim decision and order in this proceeding.⁴ The commission concludes that the Revised Schedule of Proceedings, submitted by HELCO on March 21, 2007, should be approved, with modification by the commission to allow the commission and commission staff time to review the Statements of Probable Entitlement prior to issuing an interim order in this

⁴HRS § 269-16(d) requires that the commission make every effort to complete its deliberations with respect to a public utility's request for a rate increase "as expeditiously as possible and before nine [(9)] months from the date the public utility filed its completed application." The statute further provides that, if such deliberations are not concluded within the nine-month period, the commission shall render an interim decision within one (1) month after the expiration of the nine-month period. The commission may postpone its interim rate decision an additional thirty (30) days if the commission considers the evidentiary hearing incomplete, making for a total of eleven (11) months. The interim decision may allow an increase in rates if the commission believes the public utility is "probably entitled" to such interim rate relief. In the instant proceeding, eleven (11) months from HELCO's completed application date of May 5, 2006, is April 5, 2007.

proceeding. Accordingly, the commission concludes that HELCO's Statement of Probable Entitlement should be due by 12:00 o'clock noon, on Tuesday, March 27, 2007.

III.

Orders

THE COMMISSION ORDERS:

1. Section II, Schedule of Proceedings, is amended to read as follows:

HELCO Application, Direct Testimonies, Exhibits and Workpapers	May 5, 2006
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HELCO Responses to Consumer Advocate Act 162 Information Requests	January 24, 2007
Consumer Advocate SIRs on HELCO Act 162 Direct Testimonies and Consultant Report	January 31, 2007
HELCO Responses to Consumer Advocate Act 162 SIRs	February 9, 2007
Consumer Advocate Testimonies, Exhibits and Workpapers Participants' Statement of Position	February 21, 2007
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First Settlement Discussion between HELCO and Consumer Advocate	March 7-8, 2007
HELCO Rebuttal Testimonies, Exhibits And Workpapers HELCO Statement of Probable Entitlement	March 27, 2007 12 noon
Consumer Advocate Response to HELCO Statement of Probable Entitlement	March 28, 2007
Consumer Advocate Rebuttal IRs ("RIRs") to HELCO	March 30 to April 9, 2007
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Simultaneous Reply Briefs by Parties

3 weeks after
Opening Briefs

2. In all other respects, the Stipulated Prehearing Order approved by the commission in Order No. 22903, as amended by Order No. 23153, and as modified herein, remains unchanged.


DONE at Honolulu, Hawaii MAR 23 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

05-0315.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23315 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: MAR 23 2007